UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/47/466
5 October 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 80

PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE GENERATIONS OF MANKIND

United Nations Framework Convention on Climate Change: implementation of resolution 46/169 and possible requirements for future work

Report of the Secretary-General

1. By its resolution 45/212 of 21 December 1990, the General Assembly established a single negotiating process to prepare an effective framework convention on climate change, containing appropriate commitments, and any related legal instruments as might be agreed upon. It entrusted that task to an Intergovernmental Negotiating Committee, setting it the objective of completing the framework convention prior to the United Nations Conference on Environment and Development, so that the convention might be opened for signature during that Conference. The Assembly also requested the Chairman of the Intergovernmental Negotiating Committee to submit a report to the Conference, on behalf of the Committee, on the outcome of the negotiations and on possible future steps in the field of climate change.

2. By its resolution 46/169 of 19 December 1991, the General Assembly urged the Intergovernmental Negotiating Committee to expedite and successfully complete the negotiations in time for the United Nations Conference on Environment and Development, reiterated its request to the Chairman of the Committee regarding a report to the Conference and made dispositions for the work of the Committee and its secretariat during 1992. The Assembly requested the Secretary-General, in the light of the outcome of the negotiations and of the Conference, to report to it on the implementation of the resolution and on possible future requirements in relation to climate change.

3. The present report responds to that request by the General Assembly. The information provided herein supplements that provided to the Assembly in the report of the Secretary-General under the corresponding agenda item at its forty-sixth session (A/46/602).

A. IMPLEMENTATION OF RESOLUTION 46/169

1. Continuation of the negotiating process: calendar, participation, financing and servicing

4. The Intergovernmental Negotiating Committee proceeded with its work in 1992, as envisaged in General Assembly resolution 46/169. It held its fifth session in two parts, from 18 to 28 February and from 30 April to 9 May, both at United Nations Headquarters, New York.

5. Participation by States in the Committee continued to be high, their number at the second part of the fifth session reaching 157 (of which 118 developing countries). A large majority of States consistently included representatives from capitals in their delegations. Many delegations were small, however, and thus constrained in their capacity to cover the full scope of the issues involved in the negotiations.

6. The participation of developing countries in the Committee continued to benefit from extrabudgetary financial support from Governments and international and regional organizations, channelled largely through the special voluntary fund set up for that purpose under General Assembly resolution 45/212, paragraph 10. Contributions to that fund, together with related contributions made to or in consultation with the Committee's secretariat, amounted to some US$ 2.3 million. These funds enabled the secretariat to offer funding for travel and subsistence costs for one delegate per session from each of some 100 developing countries; approximately 90 countries took advantage of the offer at each of the two parts of the fifth session of the Committee. The secretariat, in collaboration with the secretariats of the Intergovernmental Panel on Climate Change and the United Nations Insitute for Training and Research (UNITAR), was also able to organize pre-session training seminars for delegates from developing countries. The countries to whom this support was offered included all the least developed countries and most developing island countries. Additional finance was made available through the special voluntary fund for delegates from countries of Central and Eastern Europe. Some financial support for developing country participation was also provided by Governments bilaterally. Information on sources and amounts of contributions to this financial effort was provided to the Committee in document A/AC.237/20.

7. Participation in the Committee by institutions of the United Nations system, other intergovernmental organizations and non-governmental organizations was active and constructive.

8. The World Meteorological Organization (WMO)/United Nations Environment Programme (UNEP) Intergovernmental Panel on Climate Change continued to play a positive role in support of the Committee. It made available to the Committee in February 1992, through the Panel's Chairman, its 1992 Supplement, updating some of the scientific assessments made by the Panel in its first report in 1990. The Supplement also contained a progress report on the elaboration of methodologies related to various aspects of work on climate change.

9. Provision was made, within existing United Nations budgetary resources, for the secretariat of the Intergovernmental Negotiating Committee to continue its work to the end of 1992, as foreseen by General Assembly resolution 46/169. Staff continued to be made available to that secretariat by UNEP and WMO and through bilateral arrangements with Governments. Administrative support was provided by the secretariat of the United Nations Conference on Trade and Development (UNCTAD) and assistance in mobilizing developing country participation by the field offices of the United Nations Development Programme (UNDP). The technical secretariat of the Committee was furnished by the competent services of the Secretariat at Headquarters. Extrabudgetary funding amounting to some US$ 0.4 million was made available to the secretariat through the trust fund for the negotiating process established under General Assembly resolution 45/212, paragraph 20. This additional funding was used principally to defray expenses relating to the signature of the Convention during the United Nations Conference on Environment and Development and to enable the secretariat to function adequately in the second half of 1992. Further information on support for the operation of the secretariat was provided to the Intergovernmental Negotiating Committee in document A/AC.237/20.

2. Completion and signature of the United Nations Framework Convention on Climate Change

10. The negotiations on the framework convention continued at the first part of the fifth session of the Intergovernmental Negotiating Committee, mainly in the two Working Groups, which had been functioning since the Committee's second session, elaborating texts as elements of the convention. Before the first and second parts of the fifth session, the secretariat provided the Committee, through its Chairman, with technical reviews of the texts under negotiation, including suggestions for improvements in those texts. At the start of the second part of the fifth session, the Chairman of the Committee submitted an integrated draft of the convention, for consideration by the Committee as a whole. Consultations on the basis of that text were undertaken by the Chairman and by designated members of the Bureau of the Committee and officers of its Working Groups.

11. On 9 May 1992, the Intergovernmental Negotiating Committee agreed upon and adopted the text of the United Nations Framework Convention on Climate Change. It also adopted resolution INC/1992/1 on "Interim arrangements". These documents are, respectively, annexes I and II to the report of the Committee on the second part of its fifth session, contained in document A/AC.237/18 (Part II)/Add.1 and Corr.1.

12. The Chairman of the Intergovernmental Negotiating Committee submitted a report to the United Nations Conference on Environment and Development on behalf of the Committee, as requested by General Assembly resolutions 45/212 and 46/169. He introduced the report, contained in document A/CONF.151/8, to the Main Committee of the Conference on 3 June 1992. The Chairman's report sketches the background to the negotiations, describes the organization of the

negotiating process, assesses the outcome of the negotiations and outlines future steps to be taken as indicated in the Convention and in the accompanying resolution of the Intergovernmental Negotiating Committee.

13. The Convention was opened for signature at Rio de Janeiro on 4 June 1992, at the site of the United Nations Conference on Environment and Development. By the closure of the Conference on 14 June the Convention had been signed by 154 States and by one regional economic integration organization. Since then two more States have signed it. A list of the signatories as at 23 September 1992 is annexed to the present report.

14. A number of observations have been made by States that participated in the negotiations concerning the possibility of rectifying certain language versions of the Convention. These observations are being considered by the Office of Legal Affairs, in accordance with depositary practice.

3. Further session of the Intergovernmental Negotiating Committee

15. Arrangements have been made, in accordance with General Assembly resolution 46/169, paragraph 4, to convene a further session of the Intergovernmental Negotiating Committee in 1992. This sixth session is scheduled to take place at the Palais des Nations, Geneva, from 7 to 10 December. The provisional agenda for the session, with annotations thereto, is presented in document A/AC.237/21. The main agenda item is derived from the Committee's resolution INC/1992/1, paragraph 2; it reads "Preparation of the first session of the Conference of the Parties as specified in the Convention: elaboration of a work plan for the Committee".

B. FUTURE WORK

1. General orientations

16. The United Nations Framework Convention on Climate Change is a major achievement by the international community. It is a first step in fashioning a response to the common concern with the adverse effects of climate change. Negotiated in a universal forum, it seeks to engage the widest possible participation in this cooperative venture. It contains important commitments by parties to take action to mitigate and adapt to climate change and to help other parties to do so. The ultimate objective of the Convention is to stabilize atmospheric concentrations of greenhouse gases at a safe level. Action to this end is to be in accordance with the common but differentiated responsibilities and respective capabilities of the parties; the developed country parties are expected to take the lead. Consequently, the Convention includes some commitments relating to the mitigation of climate change that are specific to those parties, to be implemented soon after the Convention enters into force and reviewed at least twice within the present decade. Moreover, the implementation of commitments by developing country parties is related to the availability of finance and technology under the Convention.

17. The Convention reflects a precautionary approach to climate change, based on present scientific knowledge. It supports the strengthening of scientific capabilities and programmes and envisages the adaptation of its provisions in the light of new scientific assessments. The Convention is also precautionary with regard to the economic implications of climate change and of response measures. It endorses the pursuit of sustainable economic growth and development in all parties, calls for action on climate change to be integrated with national development programmes and stresses the need for cost-effective measures that would achieve global benefits at the lowest possible cost. It alludes to the fact that many measures that are needed to address climate change can also be justified on account of their economic returns.

18. The Convention sets up a process for communicating and reviewing information related to implementation. It is through this process that the Convention may be adapted to changing perceptions and needs. The commitment to communicate information applies to all parties; however, it differentiates between developed and developing country parties, in that it requires more detailed information from the former and allows more time for the latter to make their initial communications. This process holds one of the keys to the success of the Convention. In the early years after its entry into force, a vigorous review of information communicated by developed country parties could enhance the specificity of their actions in response to the Convention and impart greater dynamism to the Convention as a whole.

19. The other key to success lies in the provision of adequate financial and technological resources to enable developing country parties to play their part in responding to climate change. This underlines the importance of effective modalities for the functioning of the financial mechanism of the Convention.

20. In sum, the Convention may be considered a pragmatic first step, orienting future action by parties. While remaining circumspect in describing the desired results of such action, it provides a definite time-frame for their review. It is, as its name suggests, a framework for further elaboration, one that can evolve positively as new scientific evidence comes in and as the economic benefits of actions to protect the climate are better appreciated. It is now important to maintain the momentum created by the negotiations on the Convention and move decisively into the phase of implementation.

2. Preparations for entry into force and for the first session of the Conference of the Parties

21. The Convention will enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession (art. 23). As at 23 September 1992, the depositary had already received two such instruments, from Mauritius and Seychelles. The signature of the Convention by 156 States encourages the expectation that the required

number of ratifications or equivalent instruments will be achieved. Estimates vary of the time that this will take; two years from the opening of the Convention for signature may be taken as a prudent working hypothesis. In such a case, the Convention would enter into force in September 1994. The first session of the Conference of the Parties would take place not later than one year after entry into force (art. 7, para. 4). From the provisions for the initial communication of information by developed country parties (arts. 4, para.2 (b) and 12, para. 5), it may be presumed that the session would take place at least six months after entry into force. These suppositions would have the Conference of the Parties meet for the first time within the period March-September 1995. The Government of Germany has offered to host the session.

22. In the interim, it may be expected that States intending to adhere to the Convention will wish to continue preparatory work so as to ensure its early and effective operation once it has entered into force. One important area of work could be the process for the communication of information by developed country parties and its review. Another subject could be the arrangements to give effect to the financial mechanism. In both these areas, the Convention indicates a number of important matters on which decisions by the Conference of the Parties will be needed; advance preparations could lay the ground for those decisions. It would also be desirable to start up arrangements to ensure the coordinated provision of support for the capacity of developing countries to compile and communicate information and to identify their technical and financial needs under the Convention. Such arrangements are envisaged by article 12, paragraph 7. Beyond these two areas, there are a number of procedures and processes to be determined by the Conference of the Parties on which preparatory work could also prove fruitful; examples of such matters include criteria for joint implementation, rules of procedure and financial rules for the Conference of the Parties and its subsidiary bodies, arrangements for the permanent secretariat and consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation.

23. In addition, it may be noted that the Governments of a number of developed countries have indicated their intention to make available, in advance of the entry into force of the Convention, information regarding measures taken by them consistent with their commitments under the Convention. This eventuality is recognized in resolution INC/1992/1 of the Intergovernmental Negotiating Committee (para. 6), which invites States and regional economic integration organizations entitled to sign the Convention to communicate such information to the head of the interim secretariat.

3. Arrangements for work in the interim phase

(a) Intergovernmental work

24. Indications concerning arrangements for work in the period up to and including the first session of the Conference of the Parties are provided by article 21 of the Convention and by resolution INC/1992/1 of the Intergovernmental Negotiating Committee, both entitled "Interim arrangements". The main thrust of the latter is to maintain the momentum of intergovernmental work on the Convention by providing States that have participated in the negotiation of the Convention with the means to prepare for the first session of the Conference of the Parties. The resolution envisages that the Intergovernmental Negotiating Committee could continue to function for that purpose, starting at the session to be convened in accordance with General Assembly resolution 46/169 (see resolution INC/1992/1, paras. 2 and 3). As indicated above (para. 15), that session of the Committee - its sixth - is scheduled to take place from 7 to 10 December 1992, at Geneva, and is expected to elaborate a plan of work in preparation for the first session of the Conference of the Parties on the basis of tasks specified in the Convention. A list of such tasks has been included in the annotations to the provisional agenda for the session (A/AC.237/21, annex I) to assist the Committee in drawing up a work plan.

25. Article 21 of the Convention envisages the continued provision of objective scientific and technical advice by the Intergovernmental Panel on Climate Change, through close cooperation with the Panel by the head of the interim secretariat of the Convention. Further, it entrusts the Global Environment Facility of UNDP, UNEP and the International Bank for Reconstruction and Development (IBRD) with the operation of the financial mechanism on an interim basis. In this connection, the Facility is to be appropriately restructured and its membership made universal to fulfil the requirements of article 11 of the Convention.

26. The continuation of the Intergovernmental Negotiating Committee to prepare for the first session of the Conference of the Parties would enable Governments to carry work forward without delay and with the required focus on the specific needs of the Convention. Provision could be made for relevant information on the work of the Committee to be made available, as appropriate, to the Commission on Sustainable Development. As a universal forum, the Committee would encourage the wide participation of Governments in this preparatory work, mobilizing and broadening the constituency that participated in the negotiation of the Convention. It would also be open to an appropriate involvement of intergovernmental and non-governmental organizations, following its past practice. The Committee could promote a coherent approach to the implementation of the Convention by all concerned entities and, in this context, would be able to draw fully upon the work of the Intergovernmental Panel on Climate Change and the Global Environment Facility.

27. With these considerations in mind, the General Assembly may wish to authorize the Committee to meet as needed in 1993 and 1994 to carry out the plan of work in preparation for the first session of the Conference of the Parties of the Convention that it is expected to elaborate at its sixth session. The Secretary-General will, in due course, make proposals regarding the budgetary implications of the Committee's continuing work.

(b) Secretariat support

28. Resolution INC/1992/1 (para. 4) envisages that the arrangements for secretariat support to the Committee established under General Assembly resolution 45/212 would be extended until the Conference of the Parties designates the permanent secretariat of the Convention. Article 21 of the Convention also deals with interim secretariat functions, providing that they should be carried out under these same arrangements until the completion of the first session of the Conference of the Parties.

29. The secretariat of the Intergovernmental Negotiating Committee, in collaboration with United Nations departments, programmes and specialized agencies, has been providing substantive support to the Committee; facilitating participation therein, particularly by developing countries; managing the extrabudgetary funds set up under resolution 45/212, under the authority of the Secretary-General; and promoting public awareness of the intergovernmental process through communication with information media and non-governmental organizations. These functions will continue to be needed in the period up to the first session of the Conference of the Parties. They will have to be adapted to the substantive needs of the interim phase and are likely to require new skills related to different aspects of the implementation of the Convention, including the process for the communication and review of information. It would also be necessary, in due time, to ensure adequate servicing for the wide range of tasks to be undertaken by the Conference of the Parties at its first session.

30. In the interim phase, it would also be desirable for the secretariat to have the capacity to collaborate with other concerned entities of the United Nations system in a concerted outreach programme designed to promote the ratification and implementation of the Convention and to support developing and other countries in responding to it. One element of such a programme would promote information, training and policy dialogue at national and regional levels, helping countries to identify and address the issues raised for them by the Convention and to take advantage of the opportunities that the Convention offers them. The secretariat of the Intergovernmental Negotiating Committee is exploring the potential for collaborative action to this end in consultation with other interested parties.

31. A nucleus of the skills required in the interim phase should be established within the secretariat, which could then mobilize additional expertise through collaborative networks and consultancy arrangements. Close cooperation with the secretariat arrangements for the Commission on Sustainable Development would be essential and mutually beneficial.

32. The Secretary-General will, in due course, make detailed proposals for secretariat arrangements on the lines described above and for their funding, covering the period up to and including the first session of the Conference of the Parties of the Convention. These proposals will take account of staff support that will be available to the secretariat through arrangements with United Nations programmes and specialized agencies and with Governments. It may be noted, in this connection, that a number of existing arrangements of this nature have been terminated or are being phased out following the completion of the Convention.

(c) Extrabudgetary funding

33. Resolution INC/1992/1 also appeals (para. 5) for continuing contributions to the two extrabudgetary funds established under General Assembly resolution 45/212. These funds will continue to be indispensable in the period up to the first session of the Conference of the Parties.

34. The special voluntary fund for participation is now being replenished and should provide adequate support for participation in the sixth session of the Committee. The amount of funding needed for 1993 and 1994 will be a function of the work programme that the Committee is to draw up and of the number and duration of meetings to be held. For planning purposes, it may be estimated that a two-week session of the Committee will require US$ 0.5 million in extrabudgetary funding for participation; a one-week session would call for about US$ 0.4 million.

35. Contributions to secretariat expenses, through the trust fund for the negotiating process, would also be most valuable. They would enhance the secretariat's capacity to respond flexibly to the needs of the interim phase, as they unfold, and its ability to mobilize external expertise.

ANNEX

Signatures of the United Nations Framework Convention on Climate Change as at 23 September 1992

	Participant	Date of signature
1.	Antigua and Barbuda	4 June 1992
2.	Australia	4 June 1992
3.	Brazil	4 June 1992
4.	Belgium	4 June 1992
5.	Finland	4 June 1992
6.	Iceland	4 June 1992
7.	Israel	4 June 1992
8.	Liechtenstein	4 June 1992
9.	Netherlands	4 June 1992
10.	New Zealand	4 June 1992
11.	Norway	4 June 1992
12.	Uruguay	4 June 1992
13.	Bulgaria	5 June 1992
14.	Indonesia	5 June 1992
15.	Italy	5 June 1992
16.	Poland	5 June 1992
17.	Romania	5 June 1992
18.	Austria	8 June 1992
19.	Bahrain	8 June 1992
20.	Kazakhstan	8 June 1992
21.	Nauru	8 June 1992
22.	Sweden	8 June 1992
23.	Tuvalu	8 June 1992 a/
24.	Yugoslavia	8 June 1992
25.	Bangladesh	9 June 1992
26.	Denmark	9 June 1992
27.	Ecuador	9 June 1992
28.	Egypt	9 June 1992
29.	Luxembourg	9 June 1992
30.	Sudan	9 June 1992
31.	Vanuatu	9 June 1992
32.	Bolivia	10 June 1992
33.	Côte d'Ivoire	10 June 1992
34.	Ethiopia	10 June 1992
35.	India	10 June 1992
36.	Madagascar	10 June 1992
37.	Malawi	10 June 1992
38.	Mauritius	10 June 1992
39.	Rwanda	10 June 1992
40.	San Marino	10 June 1992
41.	Seychelles	10 June 1992
42.	Sri Lanka	10 June 1992

	Participant	Date of signature
43.	Belarus	11 June 1992
44.	Bhutan	11 June 1992
45.	Burundi	11 June 1992
46.	China	11 June 1992
47.	Comoros	11 June 1992
48.	Croatia	11 June 1992
49.	Democratic People's Republic of Korea	11 June 1992
50.	Jordan	11 June 1992
51.	Latvia	11 June 1992
52.	Lesotho	11 June 1992
53.	Lithuania	11 June 1992
54.	Monaco	11 June 1992
55.	Myanmar	11 June 1992
56.	Niger	11 June 1992
57.	Oman	11 June 1992
58.	Trinidad and Tobago	11 June 1992
59.	Ukraine	11 June 1992
60.	Viet Nam	11 June 1992
61.	Zaire	11 June 1992
62.	Zambia	11 June 1992
63.	Afghanistan	12 June 1992
64.	Argentina	12 June 1992
65.	Azerbaijan	12 June 1992
66.	Bahamas	12 June 1992
67.	Barbados	12 June 1992
68.	Botswana	12 June 1992
69.	Burkina Faso	12 June 1992
70.	Canada	12 June 1992
71.	Cape Verde	12 June 1992
72.	Chad	12 June 1992
73.	Congo	12 June 1992
74.	Cook Islands	12 June 1992
75.	Cyprus	12 June 1992
76.	Djibouti	12 June 1992
77.	Dominican Republic	12 June 1992
78.	Estonia	12 June 1992
79.	Gabon	12 June 1992
80.	Gambia	12 June 1992
81.	Germany	12 June 1992
82.	Ghana	12 June 1992
83.	Greece	12 June 1992
84.	Guinea	12 June 1992
85.	Guinea-Bissau	12 June 1992
86.	Jamaica	12 June 1992
87.	Kenya	12 June 1992
88.	Lebanon	12 June 1992
89.	Liberia	12 June 1992

	Participant	Date of signature
90.	Maldives	12 June 1992
91.	Malta	12 June 1992
92.	Marshall Islands	12 June 1992
93.	Mauritania	12 June 1992
94.	Micronesia	12 June 1992
95.	Mongolia	12 June 1992
96.	Mozambique	12 June 1992
97.	Namibia	12 June 1992
98.	Nepal	12 June 1992
99.	Paraguay	12 June 1992
100.	Peru	12 June 1992
101.	Philippines	12 June 1992
102.	Republic of Moldova	12 June 1992
103.	Saint Kitts and Nevis	12 June 1992
104.	Samoa	12 June 1992
105.	Sao Tome and Principe	12 June 1992
106.	Swaziland	12 June 1992
107.	Switzerland	12 June 1992
108.	Thailand	12 June 1992
109.	Togo	12 June 1992
110.	United Kingdom of Great Britain and Northern Ireland	12 June 1992
111.	United Republic of Tanzania	12 June 1992
112.	United States of America	12 June 1992
113.	Venezuela	12 June 1992
114.	Yemen	12 June 1992
115.	Zimbabwe	12 June 1992
116.	Algeria	13 June 1992
117.	Armenia	13 June 1992
118.	Belize	13 June 1992
119.	Benin	13 June 1992
120.	Central African Republic	13 June 1992
121.	Chile	13 June 1992
122.	Colombia	13 June 1992
123.	Costa Rica	13 June 1992
124.	Cuba	13 June 1992
125.	El Salvador	13 June 1992
126.	European Economic Community	13 June 1992 b/
127.	France	13 June 1992
128.	Guatemala	13 June 1992
129.	Guyana	13 June 1992
130.	Haiti	13 June 1992
131.	Honduras	13 June 1992
132.	Hungary	13 June 1992
133.	Ireland	13 June 1992
134.	Japan	13 June 1992
135.	Kiribati	13 June 1992 c/
136.	Mexico	13 June 1992

	Participant	Date of signature
137.	Morocco	13 June 1992
138.	Nicaragua	13 June 1992
139.	Nigeria	13 June 1992
140.	Pakistan	13 June 1992
141.	Papua New Guinea	13 June 1992
142.	Portugal	13 June 1992
143.	Republic of Korea	13 June 1992
144.	Russian Federation	13 June 1992
145.	Senegal	13 June 1992
146.	Singapore	13 June 1992
147.	Slovenia	13 June 1992
148.	Solomon Islands	13 June 1992
149.	Spain	13 June 1992
150.	Suriname	13 June 1992
151.	Tunisia	13 June 1992
152.	Uganda	13 June 1992
153.	Angola	14 June 1992
154.	Cameroon	14 June 1992
155.	Iran (Islamic Republic of)	14 June 1992
156.	Libyan Arab Jamahiriya	29 June 1992
157.	Mali	22 September 1992

Notes

a/ The Government of Tuvalu declares its understanding that signature of the Convention shall in no way constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change, and that no provisions in the Convention can be interpreted as derogating from the principles of general international law.

b/ The European Community and its member States declare, for the purposes of clarity, that the inclusion of the European Community as well as its member States in the lists in the annexes to the Convention is without prejudice to the division of competence and responsibilities between the Community and its member States, which is to be declared in accordance with article 21 (3) of the Convention.

c/ The Government of the Republic of Kiribati declares its understanding that signature and/or ratification of the Convention shall in no way constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change, and that no provisions in the Convention can be interpreted as derogating from the principles of general international law.